IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

LOGIE W. TALLEY, :

:

Plaintiff,

.

vs. : 5:09-CV-308 (CAR)

:

HOUSING AUTHORITY OF

COLUMBUS, GEORGIA; THE CITY OF COLUMBUS, GEORGIA; THE

STATE OF GEORGIA

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Defendants.

:

ORDER ON PLAINTIFF'S MOTION FOR RECONSIDERATION

Before the Court is Plaintiff's Motion for Reconsideration [Doc. 20]. Through his motion, Plaintiff seeks reconsideration of the Court's Orders [Docs. 17 & 18] dismissing the case for lack of subject matter jurisdiction and expiration of the statute of limitations. Defendant State of Georgia filed a Response to Plaintiff's Motion [Doc. 21]. For the reasons set forth below, Plaintiff's Motion for Reconsideration [Doc. 20] is **DENIED**.

DISCUSSION

Reconsideration of a previous order is an extraordinary remedy and should be employed sparingly. Region 8 Forest Servs. Timber Purchasers Council v. Alcock, 993 F.2d 800, 805-06 (11th Cir. 1993); Am. Ass'n of People With Disabilities v. Hood, 278 F. Supp. 2d 1337, 1339 (M.D. Fla. 2003). Reconsideration is appropriate only if the movant demonstrates that: (1) there has been an intervening change in the law, (2) new evidence has been discovered that was not previously available to the parties at the time the original order was entered, or (3) reconsideration is necessary

to correct a clear error of law or prevent manifest injustice. Richards v. United States, 67 F. Supp.

2d 1321, 1322 (M.D. Ala. 1999); McCoy v. Macon Water Auth., 966 F. Supp. 1209, 1222-23 (M.D.

Ga. 1997).

In this case, Plaintiff attempts to show that reconsideration is necessary to correct a clear

error of law or prevent a manifest injustice. Plaintiff argues that the Court erroneously applied the

Rooker-Feldman doctrine, the doctrines of res judicata and collateral estoppel, and the statute of

limitations in dismissing his case. Even if the Rooker-Feldman doctrine or the doctrines of res

judicata and collateral estoppel do not apply to Plaintiff's 1999 claim, regarding the selling of

condemned property to a private citizen for profit, this claim, as well as his 1994 claim, is still time-

barred under the statute of limitations. As detailed in the Court's original Orders, Plaintiff's claims

allege violations of 42 U.S.C. § 1983, and the two-year statute of limitations for personal injury

claims is applied to these actions. Wallace v. Kato, 549 U.S. 384, 387 (2007); see Kelly v. Serna,

87 F.3d 1235, 1238 (11th Cir. 1996). Because Plaintiff's claims arose in 1994 and 1999, well over

10 years ago, all of Plaintiff's claims have expired under the statute of limitations, and the Court

correctly dismissed this case.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion for Reconsideration [Doc. 20] is **DENIED**.

SO ORDERED, this 22nd day of January, 2010.

S/ C. Ashley Royal

C. ASHLEY ROYAL

UNITED STATES DISTRICT JUDGE

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